

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 02/04/2022**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

V.W., individually and on behalf of A.H., a
child with a disability,

Plaintiff,

v.

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

No. 20-cv-2376 (RA)

**JUDGMENT AWARDING PLAINTIFF ATTORNEYS' FEES AND COSTS
CONSISTENT WITH THE MEMORANDUM OPINION & ORDER OF
JANUARY 4, 2022**

This is an action to recover attorneys' fees and costs pursuant to the Individuals with Disabilities Education Act. By Memorandum Opinion and Order dated January 4, 2022, this Court granted Plaintiff's motion for summary judgment but ordered certain modifications to both the hourly rates and the number of hours billed. The Court ordered Plaintiff to submit a revised proposed judgment consistent with the Court's Order. Plaintiff has submitted such a revised proposed judgment, and the DOE has submitted its objections to that proposed judgment.

By Order dated February 4, 2022, the Court granted Plaintiff additional fees in this action but again ordered certain modifications as to both the hourly rates and the number of hours billed.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

For the underlying administrative proceeding:

1. Plaintiff is entitled to an hourly rate of \$400.00 for Andrew Cuddy, Michael Cuddy, and Jason Sterne. These individuals billed a combined total of 12.6 hours in the administrative proceeding. Therefore, Plaintiff is entitled to \$5,040.00 in attorneys' fees for Mr. A. Cuddy, Mr. M. Cuddy, and Mr. Sterne.

2. Plaintiff is entitled to an hourly rate of \$300.00 for Kevin Mendillo. Mr. Mendillo billed a total of 0.7 hours in the administrative proceeding. Therefore, Plaintiff is entitled to \$210.00 in attorneys' fees for Mr. Mendillo.

3. Plaintiff is entitled to an hourly rate of \$300.00 for Justin Coretti. Mr. Coretti billed a total of 86.60 hours in the administrative proceeding. A 20% reduction in Mr. Coretti's hours brings his total hours to 69.28 hours. Therefore, Plaintiff is entitled to \$20,784.00 in attorneys' fees for Mr. Coretti.

4. Plaintiff is entitled to an hourly rate of \$100.00 for paralegals/legal assistants Allison Bunnell and Amanda Pinchak. These individuals billed a combined total of 14.1 hours in the administrative proceeding. Therefore, Plaintiff is entitled to \$1,410.00 in fees for Mr. Bunnell and Ms. Pinchak.

5. Plaintiff is entitled to an hourly rate of \$125.00 for paralegals/legal assistants Shobna Cuddy and Sarah Woodard. These individuals billed a combined total of 4.9 hours in the administrative proceeding. Therefore, Plaintiff is entitled to \$612.50 in fees for Ms. Cuddy and Ms. Woodard.

6. Plaintiffs are entitled to recover one hour of travel time each way for Mr. Coretti's travel at half his awarded hourly rate of \$300.00; thus, his travel rate is \$150.00 per hour. As Mr. Coretti traveled to and from New York City for four hearings, Plaintiff is entitled to \$1,200.00 in billed travel time for Mr. Coretti.

7. Plaintiff may not seek costs for faxing or lodging and may seek costs of only thirty percent for expenses incurred in parking, mileage, and tolls, thus reducing these costs in the administrative proceeding to \$858.21.

8. Plaintiff is entitled a total of \$29,256.50 in fees and \$858.21 in costs for the administrative proceeding.

For the federal action:

On or before June 14, 2021:

10. Plaintiff is entitled to an hourly rate of \$400.00 for Andrew Cuddy. Mr. A. Cuddy billed a total of 3.3 hours in the federal action; therefore, Plaintiff is entitled to \$1,320.00 in attorneys' fees for Mr. A. Cuddy.

11. Plaintiff is entitled to an hourly rate of \$300.00 for Justin Coretti. Mr. Coretti billed a total of 46.7 hours in the federal action; therefore, Plaintiff is entitled to \$14,010.00 in attorneys' fees for Mr. Coretti.

12. Plaintiff is entitled to an hourly rate of \$125.00 for paralegal/legal assistant Shobna Cuddy and \$100.00 per hour for Cailin O'Donnell, given her similar professional background and experience to Ms. Bunnell and Ms. Pinchak. As such, Plaintiff is entitled to \$162.50 (1.3 hours x \$125.00) for Ms. Cuddy and \$260.00 (2.6 hours x \$100.00) for Ms. O'Donnell, totaling \$422.50 in paralegal/legal assistant fees in the federal action.

13. Plaintiff's costs for the federal component total \$400.00 for the filing fee.

14. Plaintiff is entitled to a total of \$15,752.50 in fees for work performed in the federal action on or before June 14, 2021.

After June 14, 2021:

16. For the reasons stated in the Court's order of February 3, 2022, Plaintiff is also entitled to a total of \$2,110.00 in fees for work performed in the federal action after June 14, 2021.

15. In sum, Plaintiff is entitled to a total of \$17,862.50 in fees and \$400 in costs for the federal action.

Accordingly, it is hereby ORDERED that Plaintiff is awarded attorneys' fees in the amount of \$47,119.00 and costs in the amount of \$1,258.21, with post-judgment interest thereon.

The Clerk of Court is respectfully directed to terminate the motion at docket number 28.

SO ORDERED.

Dated: February 4, 2022
New York, New York



Hon. Ronnie Abrams
United States District Judge